

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application by Pacific Bell Telephone Company d/b/a SBC California (U 1001 C) for Arbitration of an Interconnection Agreement with AT&T Communications of California, Inc. (U 5002 C), TCG Los Angeles, Inc. (U 5462 C), TCG San Diego (U 5389 C), and TCG San Francisco (U 5454 C) Pursuant to Section 252(b) of the Telecommunications Act of 1996.

Application 04-09-023
(Filed September 24, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTION TO FILE CONFIDENTIAL INFORMATION UNDER SEAL**

On September 24, 2004, pursuant to Public Utilities Code Section 583 and General Order No. 66-C, Pacific Bell Telephone Company d/b/a SBC California (SBC) requested an order allowing it to file under seal and to maintain the confidentiality of the Collocation Rate Summary in Appendix C, Attachment 13 of its application for arbitration of an interconnection agreement with AT&T Communications of California, Inc. et al. (AT&T).

According to SBC, the Collocation Rate Summary contains company-specific pricing information which is proprietary and confidential.

On October 25, 2004, AT&T filed a motion to file under seal and maintain the confidentiality of three items: (1) the proprietary version of the testimony of Daniel C. Keating, (2) the proprietary version of the testimony of C. Michael Sullivan, and (3) Exhibit 1 to Attachment 13 of the draft interconnection agreement.

According to AT&T, the testimony of Daniel C. Keating contains information that AT&T is required to keep confidential pursuant to the existing interconnection agreement between AT&T and SBC, the terms of which were approved by the Commission. The testimony of C. Michael Sullivan contains proprietary information regarding the company's operational costs. Exhibit 1 to Attachment 13 to the draft interconnection agreement contains confidential information regarding the locations of AT&T's network equipment in California. AT&T treats all of this information as confidential information. Public disclosure of that information would result in competitive and economic harm to AT&T.

On October 6, 2004, SBC filed a motion for leave to file presently public, but confidential, materials under seal, namely the AT&T physical collocation summary in Appendix C, Attachment 13 of SBC's application for arbitration.

According to SBC, the AT&T Physical Collocation Summary contains AT&T's company-specific network information which is proprietary and confidential. Such information has previously been accorded confidential treatment in arbitration proceedings, and SBC requests such treatment in the instant arbitration.

SBC and AT&T's motions are unopposed. Good cause exists to place the information designated above under seal according to the terms of the ordering paragraphs set forth below.

IT IS RULED that:

1. Pacific Bell Telephone Company d/b/a SBC California's (SBC) September 24, 2004 motion for authority to file and maintain confidential, commercially sensitive, proprietary information under seal is granted to the extent set forth below.

2. AT&T Communications of California, Inc., TCG Los Angeles, Inc., TCG San Diego, and TCG San Francisco's (AT&T) October 25, 2004 motion for authority to file and maintain confidential, commercially sensitive, proprietary information under seal is granted to the extent set forth below.

3. SBC's October 6, 2004 motion for authority to file and maintain confidential, commercially sensitive, proprietary information under seal is granted to the extent set forth below.

4. The documents listed in the body of this ruling shall be placed under seal for two years from the date of this ruling, through and including October 14, 2007, and during that period shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

5. If either SBC or AT&T believes that further protection of these documents is needed after October 14, 2007, it may file a motion stating the justification for further withholding the documents from public inspection, or for such other relief as the Commission rules may then provide. This motion shall explain with specificity why the designated document still needs protection in light of the passage of time involved, and SBC or AT&T shall attach a copy of this ruling to its motion. The motion shall be filed at least 30 days before the expiration of this protective order.

Dated October 14, 2005, at San Francisco, California.

/s/ KAREN A. JONES

Karen A. Jones
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion to File Confidential Information Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated October 14, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.